



WOMEN AT WORK: REGULATORY BARRIERS AND OPPORTUNITIES

CHAT TRANSCRIPT

OCTOBER 10, 2018

PRESENTERS

Kenana Amin, USAID/Jordan

Lis Meyers, Nathan Associates

OPENING REMARKS

Michelle Bekkering, USAID Bureau for Economic Growth, Education and Environment

Michelle Bekkering: Transcript redacted.

[Applause]

Lis Meyers:

Thank you so much, Michelle, for the warm introduction and helping to really frame why we're here today and why we are – should invest in regulatory change to help promote that enabling environment for women's economic empowerment and employment. When confronted by employment barriers, women are more likely to live in poverty, have less decision-making power in the home and are less likely to engage in leadership roles in civil society: 2.7 women are legally restricted from having the same jobs as men. And that's a really startling statistic for me and the World Bank estimates that if women's role in the labor market were identical to that of men, the GDP, the global GDP would increase by 26 percent. That's \$28 billion.

And I will be discussing how regulations and policies can constrain or enable women's economic participation across women's lifecycles from first job application through retirement. I will be discussing how regulations and policies can affect women's job prospects, women's economic decision-making, women's earning potential, career growth and ability to balance work and family and I will review the following topics, not all of the topics included in the report, but many of them. I'll be covering the ability to seek wage employment, employment restrictions, employment discrimination, sexual harassment and enabling parents to work. And the full report is available online on the event page and the executive summary is available here at the event if you're here in person.

Starting with the ability to seek wage employment, women's ability to seek wage employment is reduced when their mobility, when their agency and their decision-making is restricted by the law. Marriage changes the legal status and legal capacity of women in a number of countries, primarily in the Middle East and Northwest and Central Africa. And these changes restrict options for women's employment. For example, married women have additional requirements to obtain IDs, passports and bank accounts in many countries. Women also have curtailed rights to pursue a profession or to decide where to live and when to travel in many countries. And many of these restrictions are found in formal colonies where outdated colonial laws and codes have not been reformed.

Women without a legal identity, for example, are excluded from the formal labor market. Employers typically have to verify a prospective

employee's identity to confirm legal employment, and proof of identity is also required for a number of other activities from attending school, opening a bank account, registering a business and applying for a passport or driving license. Yet, women encounter added restraints in applying for and acquiring a national identity card in six US AID countries. For instance, in Cameroon married women but not married men must submit a marriage certificate when applying for a national ID. And this requirement excludes many women married under customary law from obtaining an ID because they do not typically possess a marriage certificate.

Women also experience constraints in labor force participation when they need their husbands' approval to work. And you can see the text in the blue box, which is actually from a family law in Malaysia about a wife's duty to obey her husband. With the stated intention to protect the family unit, ten US AID countries have laws requiring married women to obey their husbands. In ten US AID countries women cannot get a job without their husbands' permission, meaning that husbands can legally prevent their wives from working. And this was one of the statistics that in one of the findings in the research that really startled me when I read this, that husbands have this ability to say "No, I don't want you working." These regulations damper incentives to educate girls and they play enormous restrictions on married women's ability to seek employment.

In contrast, Rwanda has a law that says preventing one's spouse from working is a crime. It's seen as depriving one's spouse of the right to property and the right to employment, and this is considered a form of domestic violence. Looking at Ethiopia, a previous provision in the family code granted a spouse the ability to deny the other spouse the right to work outside the home. And while this clause was gender neutral, in practice it was predominantly husbands who denied their wives the ability to work outside the home.

A regularly reform eliminated the ability to object to a spouse's work and raised the legal age of marriage from 15 to 18 years. A national survey found that women's participation in paid work outside the home increased by 15 to 24 percent in Ethiopia following this regulatory reform. And, in particular, as more young women delayed marriage, more young women worked fulltime and in higher-skilled jobs.

Legal obstacles can also, in turn, limit women's mobility and decision-making, which then restricts women's wage-earning opportunities. In three USAID countries including Afghanistan, Egypt and Jordan, married

women face legal restrictions on travel outside the home. For instance, in Egypt and Jordan a married woman can only leave the home if her husband grants her permission or if it's allowed according to law or customs.

And something that we don't usually talk about when we talk about women's employment is child marriage. Child marriage reduces girls' educational attainment, workforce participation and intrahousehold bargaining power. With limited education and significant household responsibilities, girls that marry young are less likely to engage in wage employment. One study estimated that women could earn up to 15 percent more by ending child marriage and thus allowing girls to remain in school longer. The same study found that ending child marriage would generate an additional 7.6 billion in Nigeria and 4.7 billion in Bangladesh in increased earnings and productivity.

UNICEF estimates that globally 12 million girls under the age of 18 marry each year. And this is legally permitted in a handful of countries where the legal age of marriage for girls is less than 18 years old. In 55 USAID countries girls younger than 18 can get married with parental consent. For example, there is no lower age limit requiring girls to marry with parental consent in Thailand, Tunisia and Zambia while the age limit with parental consent is only 14 years old in Papua New Guinea and Tanzania. And these parental exceptions allow poor families to marry off their daughters when they're young to reduce the family's financial burden. It's one less mouth to feed or maybe they're even getting a bride price in marrying their daughters. Global research has shown that programs and policies to support girls to remain in school is one of the best ways to end child marriage.

Now looking at some recommendations, we recommend conducting reviews of national systems, rules, procedures, practices and costs to obtain legal identities. We recommend supporting reform activities to remove spousal approval to seek employment or travel outside the home and we also recommend supporting civil society organizations and policymakers to raise and enforce the legal age of marriage to 18 years and keep girls in school.

Looking at employment restrictions for women, women's range of employment possibilities are limited by restrictions on what occupations women can hold, the hours they can work and the tasks they can perform. These restrictions also reduce an employer's pool of qualified jobseekers.

Blanket prohibitions for women to engage in certain economic activities are often motivated by a concern for women's health and safety. However, in many countries, these regulations are misguided and bar women from higher-paid industries or industries in which jobs are more readily available.

Overall, 73 USAID countries still have laws preventing women from working in specific jobs including mining, construction, factory work, agriculture or work deemed hazardous or arduous. And as this slide shows, it lists all the different types of work that women are legally restricted from having and it shows both USAID and non-USAID countries to give a global tally.

The former Soviet Union, countries in the former Soviet Union restrict women from working in several hundreds of professions. Women are not allowed to drive long haul trucks, buses, trains, trams, subways, tractors, ships or work in forestry. Women are also severely restricted from working in the agricultural sector. For example, women in Tajikistan cannot apply pesticide. They cannot care for bulls, horses or male pigs. They cannot drive trucks or tractors or work in cisterns, silos and wells.

And there are also 17 USAID countries that restrict women from working in positions that are deemed harmful to their morality. For example, in Madagascar and Senegal women are not allowed to prepare, handle or sell materials containing immoral content. In Sri Lanka women are not allowed to buy or serve alcohol, which effectively bars women from working as waitresses or bartenders. Mining is the most common profession in which governments bar female employment.

As shown in the chart, 51 USAID countries prohibit women from working in mines. The arduous, hot and sometimes dangerous working conditions, the pervasive view that mining is associated with masculinity and the risks of sexual harassment in remote locations are all factors that make governments believe that mining – that women are unfit for mining. Yet, mining work can offer more lucrative pay and it can offer advancement opportunities more so than many other industries precisely because it is so challenging and risky. And in some communities mining might be the only formal sector employment option. South Africa opened up the mining sector to women two decades ago and the government actually requires that mining companies hire at least 10 percent of women in various roles and it has tied the renewal of the companies' mining license to this requirement.

Women are also restricted from working at night in 20 USAID countries. And these restrictions are typically not applicable to all night work, notably not to domestic work but tend to target low-skill industry and manufacturing employment. For example, Senegalese law specifically prohibits hiring women from working nightshifts in factories, in manufacturing plants or in construction sites. In practice these regulations often restrict poor women with limited skills from seeking employment. Sometimes working at night is the only available employment opportunity or at other times it offers higher pay. Night schedules are often an integrated part of work in many occupations such as first responders, healthcare workers, road construction crews and even bakers.

A century ago the ILO adopted the Night Work Convention, which was in 1919, and that restricted women's employment in factories to protect their occupational health and safety. However, there is well-established scientific evidence that non-pregnant and non-nursing women generally have the same tolerance to night work as men do. And, consequently, many countries have removed restrictions on women's night work and instead have adopted legislation to protect and improve the working conditions for all employees and night workers. The ILO also revoked the Night Work Convention of 1919 in 2017, and there is a new 1990 convention that also seeks to protect the health and safety of all-night workers.

Looking at some recommendations, we believe that improved health and safety regulations for all workers will offer improved occupational choices and better working conditions for women. We also recommend that USAID undertake country-specific regulatory inventories to map restrictions on women's employment. Legislation restricting women's employment is often outdated and overlooked and USAID has the opportunity to bring these outdated policies to light.

We also recommend studying the positive effects of regulatory changes allowing women to work in previously banned professions such as mining. Such research could provide stakeholders, including those in countries with restrictive regulations, with valuable data and insights on how to improve women's access to these professions. And, lastly, we also recommend conducting an economic impact analysis of the costs of restricting women's employment.

Looking now at discrimination, discrimination affects women at all stages of their career from applying for a job to retirement. And when

discrimination restricts women's occupational choices, there is greater concentration of women in lower-paying jobs. Occupational segregation where women are over-represented in teaching, care and personal service professions but underrepresented in higher paid professions like science, technology, engineering and mathematics is pervasive. As part of a study in the United States, employers were provided with no information other than the jobseeker's appearance and they were twice as likely to say they wanted to hire the man than the woman for a position involving a mathematical task.

A growing number of countries prohibit discrimination in hiring, employment, promotion and dismissal. For instance, just during the last two year, the Democratic Republic of Congo, Iraq, Liberia and Zambia have all adopted legislation prohibiting gender discrimination in hiring. However, occupational discrimination is often increased by lax or limited enforcement of non-discrimination legislation. For instance, although China prohibits gender discrimination in hiring, a study of online employment advertisements in China found that one third of firms listed a preferred gender for a job.

Now, maternity discrimination is something we also identified as a really key constraint when examining discrimination. Maternity discrimination is discrimination owing to pregnancy or motherhood in hiring, employment, advancement or termination and it's also widespread. The ILO Maternity Convention prohibits pregnancy test requirements in hiring unless the work entails significant health risks for the woman or the child. And the convention guarantees the return to the same or equivalent position following maternity leave and prohibits the termination of employment during pregnancy or parental leave unless the employer can prove that the dismissal was unrelated to the pregnancy.

However, women who are mothers, pregnant or simply of childbearing age are often perceived to be less available. For example, in Vietnam some companies actually have policies limiting women from holding the higher-level positions or by working reduced hours to provide childcare or eldercare. Employers often perceive mothers to be less available and less committed to their work and, therefore, they pay women less. Research has found the coexistence of a motherhood wage penalty with a fatherhood wage bonus. That means that women who are mothers earn less than women who are not mothers while men who have children enjoy a wage increase.

Recommendations: We recommend assessing enforcement of non-discrimination regulations. Many countries do not enforce regulations around gender discrimination in the workplace and improved compliance and monitoring and evaluation is needed. We also recommend working with the private sector industry leaders and associations to assess the economic impact of employment discrimination within organizations and across sectors.

Starting first with sexual harassment and education...

AV/Tech: Lis, I'm sorry I have to interrupt. Obviously, we're having some audio issues and so I just need to take just a minute.

Lis Meyers: Sure.

AV/Tech: And I don't want the people who we have about 75 people on the webinar to miss out on any of your content while I try to *[audio missing]* Also, part of the issue is we have a speaker in Jordan and I've been trying to make sure that she can – that we can hear her so just one second, please. Sorry to interrupt.

Lis Meyers: So sexual harassment at work, at school, in public places disproportionately affects women and girls and limits education, mobility and employment opportunities. 72 USAID countries prohibit sexual harassment in the workplace, but only 31 USAID countries prohibit sexual harassment in education and only 18 countries prohibit sexual harassment in public places.

School-related gender-based violence contributes to girls dropping out of school, which means that they are less likely to be able to acquire the skills required to enter the labor market. And although school-related gender-based violence is believed to be under-reported, studies show that it is widespread. A survey from Botswana found that 67 percent of students had been sexually harassed by a teacher. And parents are often very cautious or resistant to sending their daughters to school when this risk of violence is so high, and they can often pull their children – their girls out of school because they want to protect them from violence.

Sexual harassment in higher education also limits women's learning and makes it harder for women to acquire the advanced degrees necessary for the highest-paid jobs and careers. A study from Ethiopia found that female university students avoided using the library and laboratories after dark because of safety concerns. And we can only imagine how this might have

affected their performance in school if they're not able to equitably access the facilities. There is growing awareness about school-related gender-based violence and during the last just two years, ten countries adopted legislation that specifically addresses gender-based violence in and around schools. But there are still many countries that don't prohibit sexual harassment in education, as the statistic I highlighted before shows.

Looking at sexual harassment in the workplace, a study of female factory workers in one region of China found that 70 percent had experienced sexual harassment at work and 15 percent had quit a job for that reason. Migrant women, domestic workers, women working in male-dominated industries or in client-oriented service sectors including healthcare, retail and hospitality are at greater risk of experiencing sexual harassment. Women are also at greater risk of experiencing sexual harassment in tight or unregulated _____ *[audio garbled]* places, when they are language-impaired or when they are in an isolated position or when they lack job security. And for many women, sexual harassment becomes the price to pay to keep a job, get a promotion or even get that job in the first place.

Studies from around the world have shown that employees subjected to physical, psychological or sexual harassment are less productive at work. They are absent more frequently and they are more likely to resign. Sexual harassment can also create intolerable work environments that cause women to change their career trajectory or drop out of the workforce entirely.

Sexual harassment also has far-reaching negative effects on entire workgroups and working environments. A study of sexual harassment among US government workers estimated costs of harassment over just a two-year period at \$327 million. That included job turnover, sick and personal leave and individual and entire workgroup productivity declines. This survey estimated that 61 percent of the total cost was due to a reduced workgroup productivity as opposed to just declines in individual productivity of the sexual harassment victim so 61 percent decline in overall workplace productivity, not just the victim. And I see a hand up but we'll take questions at the end. And while many countries have adopted legislation to curb sexual and other forms of harassment, there is no legislation against sexual harassment in the workplace in 43 USAID countries including Botswana, Guatemala, Indonesia and Tunisia.

The definition of who is protected against harassment, where one is protected and what one is protected against matters a great deal. The more

inclusive the definition, the more both women and men are legally protected from harassment. While harassment can be physical, psychological or sexual acts or behaviors, some countries only consider physical or sexual acts as harassment, not considering psychological acts as harassment. And while most countries define harassment to include acts performed by co-workers or even third parties like clients, some countries limit the definition of harassment as acts perpetrated only by superiors. Typically, harassment in the workplace protects employees but some countries like Bolivia, the Philippines and Tanzania go beyond that and expand the protection to jobseekers as well.

Harassment regulations also need to provide employees with adequate protection and recourse. Civil remedies including victim compensation or the perpetrator's dismissal, while criminal penalties include fines and imprisonment. But many countries that USAID operates in only has one or the other: civil or criminal. And it's insufficient to only prohibit sexual and other forms of harassment in the criminal code, as the high burden of proof in criminal cases only covers the most severe cases of harassment, not the full range of behaviors that entails harassment in the workplace.

Women's mobility and ability to safely get to work and school is negatively affected when there is a high rate of sexual harassment on public transportation as well as in public places such as streets, parks and bus stops. Private transportation is unaffordable for many women around the world so instead, women walk or take public transportation. And when harassment in public places is prevalent, women will modify or restrict their travel, which can lead them to forego employment or career opportunities.

For instance, women might forego night work or employment in certain locations with limited access to safe, accessible and affordable transportation. Sexual harassment and reduced mobility due to sexual harassment also affects women's engagement in civil society and also affects women's ability to access educational and networking opportunities, both of which can also serve to expand women's employment opportunities.

Research from around the world has found that sexual harassment is pervasive in public places and that for many women it's a daily or weekly occurrence. A recent study from Delhi, India found that 42 percent of women had been sexually harassed in public places during the last 12 months, and only one fourth of women felt safe using public spaces

compared to half of men. In Azerbaijan most women used public transportation to commute to work or university. Yet, one fourth of women who use public transportation experience sexual violence and harassment almost daily while commuting. And, as a result, up to 60 percent of women reduce their use of public transportation and we can only imagine how that then affected employment. Relatively few countries outlaw sexual harassment in public places outright.

Looking at recommendations, we encourage expanding sexual harassment legislation to places of education, to public places as well as to the workplace in countries that don't have specific legislation on workplace harassment. The ILO is also working on a convention on violence and harassment in the workplace, and we recommend supporting governments to adhere to and implement this convention when it is finalized.

The last topic I'll be covering is enabling parents to work. Women spend significantly more time than men on unpaid domestic work, including childcare, eldercare and household chores. In Peru, for example, women spend 26 more hours per week on unpaid work compared to men. Because of the heavy burden of unpaid work, women in Peru spend considerably less time in paid work compared to men. They spend 36 hours compared to men's 50 hours. That's a huge difference and you wonder how that might affect their ability to get a promotion or get that pay raise at the end of the year. Women's time poverty affects their ability to remain and advance in the workplace, and it also leaves women with less time for leisure, civic engagement and professional development.

Regulations and policies can support women and men to better balance their work and family commitments and examples will include paid parental leave, flexible work arrangements and adequate childcare. However, it's important to note – and this goes to Louise's point that she made in our informal comment session – that many policies intended to enable women to work reinforce social stereotypes about family responsibilities.

Looking at paid parental leave, most USAID countries mandate paid or unpaid maternity leave. And while the length of maternity leave varies, many countries have adopted the ILO minimum standard of 14 weeks or more of maternity leave. However, 58 countries that USAID works in do not mandate paid or unpaid paternity leave. And paternity leave affirms that fathers have a right to parenthood and the right to bond with their children. But it also recognizes that husbands have a shared responsibility

in childrearing and household work. A study analyzing private sector employment data from 53 developing countries found that women's employment was seven percent higher in countries that provided paternity leave. When the law mandates paid or unpaid paternity leave, the leave is typically less than two weeks with a median length of just five days. And on average, maternity leave is 92 days longer than paternity leave.

37 USAID countries mandate that the employer pay for maternity and paternity leave benefits. And because maternity leave is typically longer than paternity leave and because more women take advantage of parental leave, the requirement to pay for maternity leave adds to the cost of hiring women of childbearing age. And this is, again, an unintended negative consequence of these policies designed to help women. Thus, these leave policies create an unintended disincentive for employers, specifically small- and medium-size enterprises to hire women of childbearing age. It can also lead employers to reduce women's salaries to compensate for these high costs of leave benefits.

And although extended durations of maternity leave have significant benefits on women and their families, in practice too much time outside of the labor force can lead to a reduction in women's relative wages, especially when parental leave is not available or parental leave is not used by fathers.

Policies supporting parents to balance work and family commitments also enable women to remain and advance in the workplace. In 67 USAID countries, women have the right to come back to the same or equal position after maternity leave. And most countries actually have laws requiring employers to provide breaks for lactating mothers. However, a recent global survey of female lawyers found that difficulties balancing family and work commitments was the most frequent reason why women left the profession.

Government regulations and business policies supporting flexible work arrangements, flex time, telecommuting, part-time work and extended leave all will help women balance work and family commitments while remaining in the workforce. But parents have the right to request or obtain flexible work arrangements by law in just nine USAID countries. And it's important that both men and women are encouraged to take advantage of these flexible arrangements to counter gender stereotypes about family responsibilities.

The availability and affordability of childcare also affects mothers' workforce participation, career choices and earning potential. I'm almost done, yeah. Highlighting this example that Louise brought up, the Chilean labor code mandates that all firms employing 20 or more female workers provide childcare services for female employees. But research found that women employed in companies with 20 or more women earn 9 to 20 percent less than women working in firms employing less than 20 women. So as the cost of employing women in Chile increased, women experienced a wage penalty. And while this policy was intended to support women's employment, it created disincentives in hiring women.

In conclusion, regulations can make it more challenging for women to seek employment. Laws can prohibit or restrict women from working and the lack of protective or supportive laws can create hostile or unsupportive working environments for women. We hope this research and seminar will stimulate further discussions at the national level to support women to enter, remain in and advance in the workforce. Thank you.

[Applause]

Michelle Bekkering: *Transcript redacted.*

Kenana Amin: Thank you for the opportunity to present *[audio unavailable]* today _____. We at USAID/Jordan believe firmly that ...

AV/Tech: *[Crosstalk]* _____. Hey, this is Adam. Yeah, you sound pretty good. I know that we've been through a lot already today. Yeah, if you could just, you know, try to make sure that you're speaking as closely as possible to the mic and maybe raise your voice a little bit and, yeah, thanks for your patience and back over to you.

Kenana Amin: Okay, thank you. Before I start talking about what we're doing in Jordan, I just wanted to kind of quickly talk to you about Jordan's situation here. It's a country of nearly 10 million people situated in the heart of the Middle East. We face a lot of challenges related to education, waters, water scarcity, and high public debt

and, obviously, unemployment especially of women and youths. We support economic development, strengthening democratic programs, service delivery while having gender equity.

In terms of gender equality what we're trying to do is raising awareness of gender issues actually into action around gender clarity. We're just working on positive reforms that will strengthen and protect this awareness and gender norms.

And then finally increasing access to women's _____. Just a quick snapshot of what the message or the business space _____ and also some data that we selected from populations; we looked at about 1,800 private sector firms. As you can see only 15 percent of women are actively engaged in this labor market in Jordan and this is the paradox. We have achieved gender equality in education.

But, unfortunately, they're not _____ in the labor market. And, as you can see, about 70 percent of women employed themselves; they're not even seeking employment. And when it comes to women owning businesses, only six percent of women surveyed own businesses. Here also this is somewhat informed of this, informs the perception. So only 27 percent of men and 13 percent of women think that men have more of a right to jobs. And almost 70 percent of men and women believe that men have more of a right to jobs than women when it comes to _____ raises. So, this comes _____ a view of how things stand here in Jordan.

These are participatory audits of entities that are conforming to regulations and policies but also was able to _____ the unspoken traditions and norms. We worked with eight entities. There are more underway. We also established focal points, gender focal points within the public sector. The job description for those focal points have been approved and about 60 percent of the public sector entities have appointed those focal points. We also worked with women _____ with the machinery to review _____ legal instruments that we've either reviewed _____ adopted.

We expanded the definition of sexual harassment _____ and criminalized them. And also, we worked on pay equity for civil servants _____ even in the public sector employees. One of the facts that we found early on _____ and I can't overemphasize the issue. What we did is authenticated.

[Audio missing] online and offline classes _____ have improving _____ like sexual harassment. We also worked with _____ communities and families come into the

workplace and see that it is a safe, decent place to work, see that _____ professional _____ within this workplace and so that enabled women to work in established, especially _____ _____. We also worked with employers to talk to – to show them how to be better accepting of their female employees and how to provide some incentive to that would make the employment workplace more inviting for women.

And finally, we established mentorship and networks to allow women to mentor each other, _____ each other and see how they can reach leadership _____ within the organization or even how to get into the labor market. So just, in conclusion, and sorry for the audio, I just want to say that the road to economic well-being, think about short term, medium term and long-term strategies to work towards that. Work with breaking barriers _____ _____ practices and traditions, and engage supporters.

Remember that one size doesn't fit all. Adapt as best fits your needs. Start early. Work at different levels with different space owners. Be persistent and focus on the positive all the time. Thank you.

[End of Audio]